

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. **(Canceled)** A method for preparing a biologically active composite material comprising:
 - absorbing an infiltrant into at least one porous, biocompatible material; and
 - maintaining the infiltrant and the porous material in contact under conditions effective to achieve at least partial coagulation of the infiltrant to form a self-supporting body.
2. **(Canceled)** The method of claim 1 wherein said porous, biocompatible material has a pore volume of at least about 30%.
3. **(Canceled)** The method of claim 1 wherein said porous, biocompatible material has a pore volume of at least about 70%.
4. **(Canceled)** The method of claim 1 wherein said porous, biocompatible material has a pore volume of at least about 85%.
5. **(Canceled)** The method of claim 1 wherein said porous, biocompatible material has a pore volume of at least about 88%.
6. **(Canceled)** The method of claim 5 wherein the porous, biocompatible material has a pore volume more of at least about 90%.
7. **(Canceled)** The method of claim 1 wherein the porous, biocompatible material comprises a synthetic bone mineral.
8. **(Canceled)** The method of claim 1 wherein the porous, biocompatible material comprises a ceramic material.
9. **(Canceled)** The method of claim 1 wherein the porous, biocompatible material comprises a calcium phosphate material.
10. **(Canceled)** The method of claim 1 wherein the porous, biocompatible material comprises tri-calcium phosphate material.
11. **(Canceled)** The method of claim 10 wherein the tri-calcium phosphate material is beta-tri-calcium phosphate.
12. **(Canceled)** The method of claim 1 wherein the porous material is resorbable.

13. **(Canceled)** The method of claim 1 wherein the at least one porous, biocompatible material is comprised of a resorbable beta-tri-calcium phosphate with interconnected micro-, meso- and macro-pores that render said at least one porous, biocompatible material at least about 90% porous.

14. **(Canceled)** The method of claim 1 wherein said absorbing step comprises aspirating therapeutic material onto the porous material.

15. **(Canceled)** The method of claim 14 wherein said aspirating step comprises drawing bone marrow into a body of a syringe at least partially containing the porous material.

16. **(Canceled)** The method of claim 1 wherein the maintaining step takes place within a syringe, further comprises extruding self-supporting body.

17. **(Canceled)** The method of claim 1 further comprising manipulating the self-supporting body.

18. **(Canceled)** The method of claim 1 further comprising adding a healing composition to the self-supporting body or to the porous material.

19. **(Canceled)** The method of claim 18 wherein the healing composition is a medicament.

20. **(Canceled)** The method of claim 1 wherein said infiltrant consists of bone marrow aspirate.

21. **(Canceled)** The method of claim 1 wherein said infiltrant comprises venous blood.

22. **(Canceled)** The method of claim 1 wherein said infiltrant comprises thrombin.

23. **(Canceled)** The method of claim 1 wherein said infiltrant comprises proteins, cells, growth factors or growth hormones that elicit bone formation or reparation.

24. **(Amended)** A method for restoring an osseous void comprising placing in said void at least a portion of a self-supporting body comprising partially coagulated therapeutic material that elicits bone formation and reparation ~~infiltrant~~ in admixture with a porous, biocompatible material having macro-, meso-, and microporosity.

25. **(Previously Presented)** The method of claim 24 wherein said portion is shaped to fit said void.

26. **(Previously Presented)** The method of claim 24 wherein placement is effected using a syringe.

27. **(Previously Presented)** The method of claim 24 wherein placement is effected using a tube.

28. **(Previously Presented)** The method of claim 24 wherein placement is effected using an insertion guide.

29. **(Previously Presented)** The method of claim 24 wherein placement is effected using a catheter.

30. **(Previously Presented)** The method of claim 24 wherein placement is effected using a shaped mold.

31. **(Amended)** The method of claim 24 wherein the ~~infiltrant~~ therapeutic material comprises bone marrow aspirate.

32. **(Amended)** The method of claim 24 wherein the ~~infiltrant~~ therapeutic material comprises replicated bone marrow.

33. **(Amended)** The method of claim 24 wherein said ~~infiltrant~~ therapeutic material comprises bone marrow aspirate, proteins, cells, a medicament, growth factors, or growth hormone or antibiotic that would elicit bone formation or reparation.

34. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material comprises a synthetic bone mineral.

35. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material comprises a ceramic material.

36. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material comprises a calcium phosphate material.

37. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material comprises tri-calcium phosphate material.

38. **(Previously Presented)** The method of claim 24 wherein the tri-calcium phosphate material is beta-tri-calcium phosphate.

39. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material is resorbable.

40. **(Amended)** The method of claim 24 wherein the ~~infiltrant~~ therapeutic material comprises venous blood.

41. **(Amended)** The method of claim 24 wherein the ~~infiltrant~~ therapeutic material comprises thrombin.

42. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material has a pore volume of at least about 30%

43. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material has a pore volume of at least about 70%.

44. **(Previously Presented)** The method of claim 24 wherein the porous, biocompatible material has a pore volume of at least about 85%.

45. **(Previously Presented)** The method of claim 24 wherein said porous, biocompatible material has a pore volume of at least about 88%.

46. **(Previously Presented)** The method of claim 45 wherein the porous, biocompatible material has a pore volume more of at least about 90%.

47. **(Previously Presented)** The method of claim 24 wherein the at least one porous, biocompatible material is comprised of a resorbable beta-tri-calcium phosphate with interconnected micro-, meso- and macro-pores that render said at least one porous, biocompatible material at least about 90% porous.

48. **(Currently Amended)** A method for restoring an intraosseous void comprising:

- preparing said void;
- providing an aspirating means having porous, biocompatible material having macro-, meso-, and microporosity therein;
- aspirating bone marrow from an animal using said aspirating means;
- saturating ~~allowing bone marrow aspirate to mix with~~ said porous material with said bone marrow aspirate; ~~thereby producing a composite of said aspirate and said porous material~~;
- allowing said aspirate to at least partially coagulate;
- removing ~~the~~ said composite from the aspirating means; and
- placing at least a portion of said composite into said void.

49. **(Previously Presented)** The method of claim 48 wherein said composite is shaped to fit said void prior to insertion into said void.

50. **(Canceled)** The method of claim 48 wherein said aspirating means is a syringe.

51. **(Previously Presented)** The method of claim 50 wherein resultant composite is delivered into said void by syringe.

52. **(Previously Presented)** The method of claim 48 wherein the aspirate is allowed to coagulate for at least five minutes.

53. **(Previously Presented)** The method of claim 48 further comprising preserving any remaining resultant composite for later use.

54. **(Previously Presented)** The method of claim 48 wherein preservation is by freezing.

55. **(Previously Presented)** The method of claim 48 wherein the porous material is comprised of a resorbable beta-tri-calcium phosphate with interconnected micro, meso and macro pores that render said porous biocompatible material at least about 90% porous.

56. **(Canceled)** A biologically active composite comprising a porous, biocompatible material and infiltrant.

57. **(Canceled)** The biologically active composite of claim 56 wherein the infiltrant comprises bone marrow aspirate.

58. **(Canceled)** The biologically active composite of claim 56 wherein the infiltrant comprises venous blood.

59. **(Canceled)** The biologically active composite of claim 56 wherein the infiltrant comprises thrombin.

60. **(Canceled)** The biologically active composite of claim 56 wherein the porous material has pores with a diameter up to about 100 μm .

61. **(Canceled)** The biologically active composite of claim 56 wherein the porous, biocompatible material has a pore volume of at least about 70%.

62. **(Canceled)** The biologically active composite of claim 56 wherein the porous, biocompatible material has a pore volume preferably of at least about 85%.

63. **(Canceled)** The biologically active composite of claim 56 wherein the porous material has a pore volume preferably of at least about 88%.

64. **(Canceled)** The biologically active composite of claim 63 wherein the porous material has a pore volume more preferably of at least about 90%.

65. **(Canceled)** The biologically active composite of claim 56 wherein the porous material comprises a synthetic bone mineral.

66. **(Canceled)** The biologically active composite of claim 56 wherein the porous material comprises a ceramic material.

67. **(Canceled)** The biologically active composite of claim 56 wherein the porous material comprises a calcium phosphate material.

68. **(Canceled)** The biologically active composite of claim 56 wherein the porous material comprises tri-calcium phosphate material.

69. **(Canceled)** The biologically active composite of claim 68 wherein the tri-calcium phosphate material is resorbable beta-tri-calcium phosphate.

70. **(Canceled)** The biologically active composite of claim 56 wherein the at least one porous, biocompatible material is comprised of a resorbable beta-tri-calcium phosphate with interconnected micro-, meso- and macro-pores that render said at least one porous, biocompatible material at least about 90% porous.

71. **(Canceled)** The biologically active composite of claim 56 wherein the infiltrant comprises proteins, cells, a medicament, antibiotic, growth factor, or growth hormone that would elicit bone formation or reparation.

72. **(Canceled)** A kit for preparation and delivery of biologically active composites comprising:

- an instrument for the injection and the withdrawal of one or more fluids; and
- a porous, biocompatible material.

73. **(Canceled)** The kit of claim 72 wherein the instrument for said injection and said withdrawal of said fluids is a syringe.

74. **(Canceled)** The kit of claim 72 further comprising a second syringe.

75. **(Canceled)** The kit of claim 72 wherein a pre-evacuated tube is the instrument for said withdrawal of said fluids.

76. **(Canceled)** The kit of claim 72 wherein the porous, biocompatible material is comprised of a resorbable beta-tri-calcium phosphate with interconnected micro-, meso- and macro-pores that render said at least one porous, biocompatible material at least about 90% porous.

77. **(Canceled)** The kit of claim 72 wherein said porous, biocompatible material is in morsel form.

DOCKET NO.: OVIT-0190
Application No.: 10/035,797
Office Action Dated: August 24, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

78. **(Canceled)** The kit of claim 72 wherein said porous, biocompatible material is in block form.

79. **(Canceled)** The kit of claim 72 further comprising a cutting instrument.

80. **(Canceled)** The kit of claim 72 further comprising a spatula.